

## REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated January 14, 2005. A Petition for Extension of Time (three months) and the fee therefor are enclosed.

Preliminarily, it is noted that claim 31 is being rejected in this application. The Examiner's kind attention is being directed to related application serial no. 10/047,025, where that claim 31 is properly pending. That claim should not be considered in this application.

As to claims 11 and 13, they are being rejected on grounds of anticipation by Hiyama, et. al. (5,379,757). Reconsideration is requested in view of the amendments to the claims herein and the following remarks.

As amended, claim 11 is instrumental, as described at page 3, second paragraph, of the instant specification, to increase the efficiency in using the recording medium. As presently amended, claim 11 more concretely recites that a discrimination signal is determined in relation to the number of pixels, and the image is compressed in response thereto.

The invention recited in claim 1 is instrumental in enabling varying the compressibility in accordance with the number of pixels. Thus, it is possible to obtain an image of a predetermined size at any time.

The feature singled out above is neither disclosed nor suggested in the cited Hiyama reference, which is a patent that is owned by the assignee of the present application and with which the present applicant is therefore quite familiar.

Accordingly, it is respectfully submitted that claims 11 and 13 are clearly patentable over the cited art.

In view thereof, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 14, 2005:

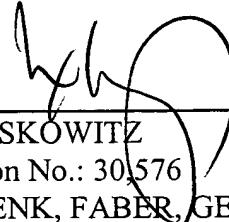
MAX MOSKOWITZ

Name of applicant, assignee or  
Registered Representative

Signature  
July 14, 2005

Date of Signature

Respectfully submitted,



MAX MOSKOWITZ  
Registration No.: 30,576  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700